

67C.410 Unfair labor practices and remedies therefor -- Hearing -- Final order -- Appeal to Circuit Court.

Violations of the provisions of KRS 67C.406 shall be deemed to be unfair labor practices remedial by the department in the following manner.

- (1) Whenever it is charged by a consolidated local government or a labor organization that any person has engaged in or is engaging in any unfair labor practices, the department or any hearing officer designated by the department shall conduct an administrative hearing in accordance with KRS Chapter 13B.
- (2) If, upon the preponderance of the evidence presented, the department is of the opinion that any person named in the charge has engaged in or is engaging in an unfair labor practice, then it shall issue a final order requiring the person to cease and desist from the unfair labor practice, and to take any affirmative action including reinstatement of police officers with or without back pay, as will effectuate the policies of this section. The final order may further require the person to make reports from time to time showing the extent to which he or she has complied with the order. If, upon the preponderance of the evidence presented, the department is not of the opinion that the person named in the charge has engaged in or is engaging in the unfair labor practice, then the department shall issue a final order dismissing the complaint. No final order shall issue based upon any unfair labor practice occurring more than six (6) months prior to the filing of the charge with the department, unless the person aggrieved thereby was prevented from filing the charge by reason of service in the Armed Forces, in which event the six (6) month period shall be computed from the day of his or her discharge. No final order of the department shall require the reinstatement of any individual as a police officer who has been suspended or discharged, or the payment to the individual of any back pay, if the individual was suspended or discharged for cause.
- (3) Until a final order has been appealed, the department at any time, upon reasonable notice and in the manner that it deems proper, may modify or set aside, in whole or in part, any final order made or issued by it.
- (4) The department or the charging party may petition for the enforcement of the final order and for appropriate temporary relief or restraining order in the Circuit Court for the county in which the violation occurred.
- (5) Any person aggrieved by a final order of the department may obtain a review of the final order by filing a petition in the Circuit Court assigned jurisdiction under subsection (4) of this section in accordance with KRS Chapter 13B.

Effective: July 13, 2004

History: Created 2004 Ky. Acts ch. 101, sec. 6, effective July 13, 2004.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.